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**FILED**

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**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF:

**GUNNAR KLAUSS, M.D.**  
**License No. 25MA08523000**

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER of  
REINSTATEMENT

This matter was most recently opened to the State Board of Medical Examiners ("Board") upon receipt of an application for reinstatement from Dr. Gunnar Klauss. The file herein reflects that Dr. Klauss, a participant in the Professional Assistance Program of New Jersey ("PAP-NJ") who has a history of substance abuse and involvement with the PAP-NJ since 2011, relapsed into his abuse of a controlled dangerous substance, specifically Fentanyl, in or about late October 2013. When confronted, he admitted the relapse and entered treatment. Ultimately, he agreed to the voluntary surrender of his license commencing on October 24, 2013 as memorialized subsequently in a Consent Order filed March 10, 2014.

**CERTIFIED TRUE COPY**

Pursuant to the March 2014 Order and as previously agreed to by the doctor, the application for reinstatement required successful completion of in-patient treatment and compliance with the requirements of the PAP-NJ for a minimum period of six months. As permitted by the Order, Dr. Klauss was granted an opportunity to offer sworn testimony before a committee of the Board in support of his application for reinstatement. Dr. Klauss appeared before a committee accompanied by Dr. Louis Baxter, Executive Medical Director of the PAP-NJ. He also provided a plan for his re-integration into his work as an anesthesiologist with Hackensack Anesthesiology Associates, P.A. as proposed by Dr. Klauss and Dr. Mark Schlesinger, his employer and chief of the Department of Anesthesiology at Hackensack Medical Center where Dr. Klauss practiced anesthesiology.

In September 2011, after experiencing an accidental Fentanyl overdose, Dr. Klauss was admitted to an in-patient treatment program at Behavioral Health of the Palm Beaches ("BHOP") for treatment of addiction to Fentanyl. He was discharged after 28 days and was compliant with the requirements of the PAP-NJ thereafter. Upon discharge he was treated with Vivitrol, which was administered monthly until December 2012, when his treating physicians determined it should be discontinued.<sup>1</sup> Although he remained outwardly compliant with the PAP-NJ's requirements, the 2013 relapse occurred after the Vivitrol was discontinued and at a time when the frequency of his urine screens was reduced.

According to Dr. Klauss' sworn testimony, as confirmed by Dr. Baxter, in or about July 2013 Dr. Klauss relapsed into the use of Fentanyl. Although he initially attempted to avoid detection, his conduct appeared unusual to a co-worker and through his department chair he was

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<sup>1</sup> Vivitrol is a brand name of Naltrexone, an opioid receptor antagonist used in the treatment of addiction.

reported to the PAP-NJ. In response to this relapse, Dr. Klauss was again admitted to BHOP where he underwent 45 days of in-patient treatment.

Dr. Klauss voluntarily surrendered his license to practice medicine and subsequent to his 2013 discharge from BHOP has been compliant with the requirements of the PAP-NJ. His mandated program of recovery has included attendance at meetings of Alcoholics Anonymous, individual therapy with Dr. Sonja Gray, participation in group therapy with Dr. Arnold Washton, twice weekly random urine screens and routine face-to-face meetings with a representative of the PAP-NJ. He has recently discontinued participation in Dr. Washton's group, after several years, but the remainder of his program is ongoing. His urine screen results are uniformly reported as "negative" for unapproved substances. Although his current program is in many ways the same as his program prior to his relapse, Dr. Klauss testified that before his most recent BHOP treatment he was inadequately involved in his own program of recovery and did not fully accept his need for outside assistance. His additional treatment and therapy have enabled him to embrace his program of recovery, which he feels only happened during his second BHOP admission. The PAP-NJ strongly supports Dr. Klauss' resumption of licensure and anesthesiology practice. However, the PAP-NJ further recommends that he not return to Operating Room practice for at least one year after he returns to work. His treating psychiatrist, who is also supportive, suggested a heightened level of supervision by his employer. Dr. Klauss agreed with the PAP-NJ that he would resume Vivitrol, or similar treatment, should he resume practice.

Based on the doctor's testimony and all evidence available the Board finds that Dr. Klauss' return to practice should be restricted to procedures outside the OR and to procedures

which do not entail the administration of narcotic medications. The following employment restrictions have been agreed to by Dr. Klauss and his employer:

1. Dr. Klauss will work primarily in "off-site" locations performing sedation for patients undergoing diagnostic procedures in Gastroenterology, Cardiology, Electrophysiology, Interventional Radiology, Pediatric Oncology, MRI, and Pulmonary Lab. He will also be involved in chart reviews for preoperative assessment of surgical patients.
2. Dr. Klauss will continue with the PAP-NJ and the urine screens will be facilitated to occur during work hours.
3. Dr. Klauss will not be involved in any on-call schedule and will not perform weekend shifts.
4. Dr. Klauss will work a maximum of approximately 40 hours per week.
5. Dr. Schlesinger, who is responsible for personally monitoring the logs of the drug dispensing system used at Hackensack Anesthesia Associates will review those logs in an ongoing effort to detect any unauthorized dispensing of narcotics or opioid medications by Dr. Klauss.
6. Dr. Klauss will meet regularly with Dr. Schlesinger to monitor his progress and recovery status.
7. Dr. Klauss will not be assigned patient care that requires the administration of narcotics.

The Board finding the within disposition to be adequately protective of the public health, safety and welfare and for good cause shown,

IT IS, therefore, on this 6th day of June, 2014;

ORDERED THAT:

1. The license to practice medicine and surgery in the State of New Jersey previously issued to Gunnar Klauss, M.D. and surrendered by Order filed March 10, 2014, is hereby restored.
2. Dr. Klauss is hereby permitted to resume his Federal DEA privileges and his State of New Jersey CDS privileges.
3. Dr. Klauss hereby agrees to comply with all of the employment restrictions set forth above and agrees that a violation of those restrictions shall constitute a de facto violation of the within Order.
4. Dr. Klauss agrees to comply with all of the restrictions and requirements of the PAP-NJ to include, at a minimum:
  - a. Treatment with Vivitrol or a similar compound pending further order of the Board;
  - b. Absolute abstinence from all psychoactive substances, including alcohol, unless prescribed by a treating physician for a documented medical condition with notification from that physician to the PAP-NJ of the diagnosis, prognosis and medication(s) prescribed;
  - c. Random, twice-weekly urine monitoring for a minimum of one year and pending further Order of the Board;
  - d. Documented attendance at a minimum of three weekly meetings of Alcoholics Anonymous;
  - e. Psychiatric care with Dr. Gray or another approved psychiatrist at a frequency to be determined by Dr. Gray. Psychiatric care cannot be discontinued without

the approval of Dr. Gray, Dr. Baxter and the Impairment Review Committee of the Board;

f. Routine face-to-face follow-up meetings with a representative of the PAP-NJ on a schedule set by the PAP-NJ;

g. Quarterly status reports from the PAP-NJ to the Impairment Review Committee and the Board with immediate notification to both those entities should Dr. Klauss be non-compliant with his monitoring and treatment or with the employment requirements herein, or in the event there is any evidence of a relapse.

5. Dr. Klauss hereby agrees that the terms of this Order shall remain in place for a minimum of one year and that during that year he will not seek or accept employment outside of his approved employer, Hackensack Anesthesia Associates.

6. Dr. Klauss shall sign releases with his employer, treating physicians, psychologists, therapists and counselors so that the PAP may ascertain his level of compliance and progress with his treatment and provide notification to the Board of any instance of noncompliance or relapse.

7. Prior to any changes in the terms of this Order, Dr. Klauss shall appear before the Board, or a committee thereof, to discuss his desired changes.

8. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Dr. Klauss has violated any term of this Order, or upon receipt of any information tending to prove that Dr. Klauss has

suffered a relapse or consumed any unapproved substance, the Board reserves the right to bring further disciplinary action.

9. Respondent has been specifically advised that he has a right to retain an attorney in this matter, as the entry of this Order affects his legal rights. Respondent has voluntarily chosen to enter into this Order without the advice of counsel.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: George J. Scott, D.O., FACOFP  
George J. Scott, D.O., FACOFP  
President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order. I understand that this Order has serious professional and legal import and I have decided to enter into this agreement without legal counsel.

Gunnar Klaus  
Gunnar Klaus, M.D.

6/5/14  
Date

Agreed to on behalf of the PAP-NJ.

Louis E. Baxter, M.D., FASAM  
Louis E. Baxter, M.D., FASAM  
Executive Medical Director PAP-NJ

**NOTICE OF REPORTING PRACTICES OF BOARD**  
**REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.